

MINUTES
Crested Butte Town Council
Regular Council Meeting
July 18, 2011
Council Chambers, Crested Butte Town Hall

Mayor Leah Williams called the meeting to order at 7:01 p.m. Council members present: Jim Schmidt, John Wirsing (arrived at 7:04 p.m.) Roland Mason, Reed Betz (arrived at 7:02 p.m.), Daniel Escalante and Phoebe Wilson. Staff Present: Town Manager Susan Parker, Town Attorney John Belkin, Town Clerk Eileen Hughes, Parks and Recreation Director Jake Jones (for part of the meeting), Town Planner John Hess (for part of the meeting), Chief Marshal Tom Martin (for part of the meeting) and Building and Zoning Director Bob Gillie (for part of the meeting).

APPROVAL OF AGENDA

Escalante moved and Schmidt seconded to approve the agenda as presented. A roll call vote was taken with all present voting "Yes" (Betz and Wirsing absent for vote). **Motion passed unanimously.**

CONSENT AGENDA

- A) Approval of Minutes of July 5, 2011 Regular Council meeting.
- B) Resolution No.6, Series 2011- A Resolution Adopting The Applicable Provisions Of The Uniform Election Code Of 1992 For The Coordinated Election To Be Held On November 1, 2011 And Authorizing The Town Clerk To Enter Into An Intergovernmental Agreement With The Gunnison County Clerk Concerning Administration Of That Election.
- C) Approval of Insubstantial Revisions To The Crested Butte Nordic Council Right To Use Agreement For the Lower Loop Yurt.

Escalante moved Schmidt seconded to approve the Consent Agenda. A roll call vote was taken with all present voting "Yes" (Wirsing absent for vote). **Motion passed unanimously.**

PUBLIC COMMENTS

Jim Starr, Co-Chair of The Gunnison County Democrats, explained that the State Reapportionment Committee is recommending that Gunnison County be split into two Colorado House Districts with the north end of the county moved to join the Delta County House District. Starr said The Gunnison County Democrats are asking municipalities in the County to send letters opposing the proposed redistricting of Gunnison County. Starr also noted that a meeting on the matter will be held in Gunnison on August 5, 2011 at 5 p.m. at Western State College. Council agreed to place the topic on the August 2, 2011 agenda and Starr said he would provide Council with a draft letter opposing the redistricting. Council asked Starr to also provide a list regarding the positives of redistricting so Council can review both sides of the issue.

Crested Butte Mountain Guides owner Jayson Simons-Jones asked Council to consider allowing off-site signage for businesses located off of Elk Avenue to provide exposure for the businesses. Simons-Jones said he is also making the request on behalf of Crested Butte Anglers and Izzy's.

Building and Zoning Director Bob Gillie noted that Council appointed a sub-committee last October to look into off-site business signage, but there was a conflict of interest with one of the Council members on the sub-committee who owns a business located off of Elk Avenue so another council member needs to be appointed to the committee. John Wirsing agreed to continue on the sub-committee and Dan Escalante volunteered to serve. Reed Betz said he was interested and could serve as an alternate. Council directed staff to work out the details of the sub-committee meetings and to keep the entire Council informed of the meetings in case other council members would like to attend.

STAFF REPORTS

Jake Jones:

- Plans are moving forward on the construction of the Baxter Gulch Trail. Representatives of the Youth Conservation Core will be making a site visit soon. Construction of the trail is a multi-year process and he wants to ensure that the trail does not attract users until it is completed.
- The Big Mine Ice Arena project is advancing. The final bid is out for the electric work. He is still actively fundraising for the project.

Bob Gillie:

- Asked if Council was interested in allowing dry erase boards for business signage rather than just chalk boards because many businesses are using dry erase boards. Council agreed to address the question later in the meeting.

Eileen Hughes:

- The Clerk's Office has scheduled an informational meeting for prospective Town Council candidates on August 9, 2011 at 5:30 p.m. at Town Hall. The entire Council is welcome to attend. The meeting will highlight responsibilities of council members and the election process.
- She is following up on the Council's request for a survey on Fireworks. She will bring sample questions to council for review before placing the survey on the Town's website.
- The following special events are about to be administratively approved pending proof of insurance: The Bowl Bash, which is a skate board event sponsored by Colorado Boarder on August 13, and the Rotary Club's Rubber Ducky Race scheduled for August 7.

Susan Parker:

- She has completed the Trash and Recycling Request for Proposals (RFP).
- Irwin Backcountry Guides request for construction in the Town's watershed has been determined to be a "minor activity."
- A joint work session with Council and the Crested Butte Land Trust is scheduled for September 6, 2011.
- The "Safe Routes to School" project is underway.
- Bob Gillie will be sitting in for her at the August 2, 2011 Council meeting. She and Mayor Williams will be attending a meeting in Denver.

Tom Martin:

- The new Marshal will be graduating from the Police Academy soon. The Marshal's department is doing well, although the department is presently understaffed.

PUBLIC HEARINGS

A) Special Event Permit – 2011 Alpine Odyssey, A Leadville 100 Qualifier Race – 6:30 a.m. to 7:30 a.m. on July 31, 2011 on Town Streets.

Mayor Williams confirmed with the Town Clerk that proper public notice of the public hearing was given. Aron Huckstep, representing the Local Organizing Committee (LOC) for the Leadville 100 Qualifier Race, said the racers will be in Town for about fifteen minutes. Huckstep noted that route has been changed to cross 2nd Street rather than 1st Street.

Mayor Williams opened the public hearing. There were no public comments. Mayor Williams closed the public hearing.

Schmidt moved to approve a special event permit for the 2011 Alpine Odyssey, A Leadville 100 Qualifier Race, on July 31, 2011 as amended to change the route to cross 2nd Street and pending proof of insurance. A roll call vote was taken with all voting "Yes." **Motion passed unanimously.**

B) Ordinance No. 14, Series 2011- An Ordinance Adopting Regulations On the Keeping of Livestock in Town.

Mayor Williams read the title of the ordinance and confirmed with the Town Clerk that proper public notice of the public hearing was given.

Council asked if the wording of the ordinance means that all animals that are not mentioned as permitted are excluded. Building and Zoning Director Bob Gillie explained the ordinance states what livestock is acceptable and lumps together all other animals that are restricted without limitation.

Mayor Williams opened the public hearing. Crested Butte resident Val Jaquith said the ordinance should allow the keeping of a few goats. Jaquith said goats are easier to take care of than chickens. Mayor Williams closed the public hearing.

Council briefly discussed goats and one council member spoke in support of broadening the ordinance to allow for goats. Another council member said it's best to keep the ordinance narrow at this point and consider allowing goats in the future. Council also discussed the possibility of establishing a "community farm" on Town conservation easements (CEs) or the Town Ranch. Town Manager Susan Parker noted that the purpose of CEs is for open space and there is currently an exclusive grazing lease on the Town Ranch.

Escalante moved and Mason seconded to approve Ordinance No. 14, Series 2011. A roll call vote was taken with all voting "Yes." **Motion passed unanimously.**

B) Ordinance No. 15, Series 2011- An Ordinance Adopting Regulations On The Idling of Vehicles in Town.

Mayor Williams read the title of the ordinance and confirmed with the Town Clerk that proper public notice of the public hearing was given. Mayor Williams opened the public hearing. There were no public comments. Mayor Williams closed the public hearing.

Several council members said they thought a \$100 fine was too high for violations of the idling ordinance and they would prefer an educational campaign rather than a \$100 ticket or perhaps lower the fine to \$50.00. Chief Marshal Tom Martin said the Marshal's would first issue warnings with an educational component. Martin said most Town fines range from \$100 to \$200.

Council asked if delivery truck drivers had been contacted about the proposed ordinance. Gillie said delivery truck drivers are familiar with idling ordinances which are common in other Colorado resort communities. One council member said the ordinance doesn't have teeth and noted that diesel trucks need to idle longer and he's concerned that neighbors will call the Town and complain about the noise of diesel trucks idling.

Betz moved and Schmidt seconded to approve Ordinance No. 15, Series 2011. A roll call vote was taken with Escalante, Williams, Betz and Schmidt voting "Yes" and Wilson, Mason and Wirsing voting "No." **Motion passed 4-3.**

NEW BUSINESS

A) USA Pro Challenge Town Participation Agreement.

Town Attorney John Belkin noted his memo to Council dated July 14, 2011. Belkin said the indemnification and insurance requirements in the agreement are acceptable to the Town. Belkin noted that the Town also followed the City of Gunnison's lead in striking out unacceptable parts of the agreement and giving the revised document back to the race organizers to be signed. Town Manager Susan Parker said staff is supportive of the agreement.

Betz moved and Wirsing seconded to approve the USA Pro Challenge Town Participation Agreement. A roll call vote was taken with all voting "Yes." **Motion passed unanimously.**

B) Expanded Site Use of Town Land for the Old Rock Library Expansion Project.

Building and Zoning Director Bob Gillie provided background information on the Library Expansion project as outlined in a memo to Council dated July 18, 2011 from Building Department Administrative Assistant Jessie Early. Gillie noted that the Board of Zoning and Architectural Review (BOZAR) approved the plan as provided in the Council packet with a few provisions regarding snow removal, reworking of the Town Hall area parking scheme and construction of a drop off area and sidewalks.

Several council members voiced reservations about the parking plan as well as the Marshal's Department's need for so many parking spaces. Gillie noted that the library will not be paying fees for payment in lieu of providing parking, but instead will provide other public benefits such as the new library facility, sidewalks, and construction of a drop off area. Larry Meredith, the Executive Director of the Gunnison County Library District, said the Library District would appreciate the Council's support of BOZAR's recommendation.

Council discussed the plan at length and several council members questioned aspects of the project: Council questioned the building site and asked why the library couldn't move into the Marshal's building with KBUT and the Marshal's department moving into the Old Rock Library. Several council members voiced support for the project as recommended by BOZAR.

Escalante moved and Wilson seconded to direct staff to draft a resolution regarding entering into an Intergovernmental Agreement (IGA) concerning land use and site development for the library expansion project. A roll call vote was taken with all voting "Yes." **Motion passed unanimously.**

C) Request to Amend the Kapushion Annexation Affordable Housing Guidelines.

Town Planner John Hess said the Affordable Housing Committee considered the request to amend the Kapushion Annexation Affordable Housing Guidelines twice and staff is looking for direction from Council regarding changing the guidelines. Additionally, Hess explained that according to the Kapushion Annexation Agreement the annexors (developers of the subdivision) will need to approve changes to the Guidelines.

Hess noted there are no appreciation caps on the sale of affordable housing units in the Kapushion Annexation and limiting the range of who is qualified to purchase an affordable housing unit helps keep the appreciation rate down because there is not a wide market of potential buyers who qualify.

Alison Gannett, who made the request, said she is a strong believer in affordable housing and is not trying to get around the guidelines, but she is trying to make the definition of a "local" consistent throughout the County. Gannett noted that Aspen's definition of a local includes people who are disabled. Gannett pointed out the affordable housing guidelines for the Kapushion Annexation do not allow affordable housing units to be sold to retirees or new teachers in the area because they do not meet the qualifications.

Wayne Meredith, managing member of the LLC that developed the Kapushion Annexation, read a prepared statement (entered into the record) to the Council opposing Gannett's proposed changes to the guidelines. Meredith said he believes that the larger the pool of prospective buyers, the less affordable housing becomes. Additionally, Meredith said his LLC asserts that the Town does not have the right to amend the affordable housing guidelines without the consent of the developers per the Kapushion Annexation Agreement.

Town Attorney John Belkin agreed that the Town cannot approve a change to the Kapushion Annexation Affordable Housing Guidelines without the developer's approval.

Town Manager Susan Parker said if Council wants to revise the guidelines to allow disabled persons to meet eligibility requirements, the amendment would need to be agreed to by the Town and the developer. Meredith said the developers may not have a problem with an amendment concerning eligibility qualifications for disabled applicants.

Council asked Gannett to speak with the Town Manager regarding the matter.

D) Draft Crested Butte Affordable Housing Committee Organizational Guidelines.

Hess noted his memo to Council dated July 12, 2011 regarding the Draft Affordable Housing Committee Guidelines. Parker recommended the Affordable Housing Committee develop an annual work plan and a proposed budget. Parker also suggested the work plan and budget be submitted prior to September 1 each year so it can be addressed during budget preparations.

Schmidt moved and Betz seconded to approve the Draft Crested Butte Affordable Housing Committee Organizational Guidelines with the addition of provisions for an annual work plan and corresponding budget. A roll call vote was taken with all voting "Yes." **Motion passed unanimously.**

E) Award of Big Mine Ice Arena Concrete Apron Contract.

Gillie provided background information on the project as outlined in his memo to Council dated July 18, 2011.

Schmidt moved and Betz seconded to award the Big Mine Park Ice Arena Apron contract to Concrete Systems Inc. in an amount not to exceed \$65, 000. A roll call vote was taken with all voting "Yes." **Motion passed unanimously.**

F) Discussion of Appointment To The Colorado Municipal League 2011-2012 Policy Committee.

Town Manager Susan Parker said the Colorado Municipal League (CML) Policy Committee meets three times a year. Parker said if a council member was interested in volunteering to serve on the committee to let her know.

LEGAL MATTERS

John Belkin:

- He is preparing a lease for the Nordic Center and is also drafting a lease for the Old Rock Library, which will be amended in the future if the library builds the children's library adjacent to the Old Rock Library.

COUNCIL REPORTS AND COMMITTEE UPDATES

Jim Schmidt:

- The Kochevar Open Space Trail committee met to discuss unauthorized trails and parking issues. The committee asked the County to install signage on Slate River road about parking. Schmidt also explained a possible new trail the committee is proposing which will avoid the use of a road that passes close to a house.

Leah Williams:

- Reported on a recent Mayors/Managers meeting she attended. Sales tax revenues are up except for the City of Gunnison.
- Representatives of the Trust for Public Lands and Great Outdoors Colorado (Go-CO) were in town recently. Reported on the amount of grant funds the organizations have provided in Gunnison County.
- A blood dive will be held this Wednesday in Crested Butte.

- The Rural Transportation Authority has signed contracts for airline guarantees for winter flights.
- Noted an email circulated among council members regarding bicycles on Elk Avenue sidewalks.

John Wirsing:

- Crested Butte Mountain Resort is reporting great success with the zip lines. Winter bookings are occurring earlier and lodging figures are up.

Phoebe Wilson:

- Representatives of the Center for the Arts have expressed concern about the discord between the Crested Butte and Mt. Crested Butte Town Councils.

Dan Escalante:

- Recently met with the owners of the Brick Oven. Council should consider tightening up special event regulations regarding the sales of things such as jewelry and pizza.

Roland Mason:

- Reported he heard complaints about the condition of public restrooms in town.


OTHER BUSINESS TO COME BEFORE THE COUNCIL

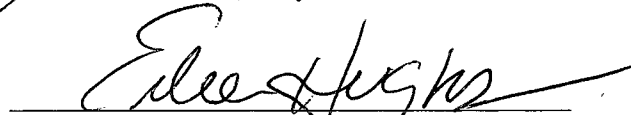
Council requested a staff recommendation regarding amendments to the sign code concerning the use of grease boards/chalk boards.

Council agreed to schedule a work session in the fall for a "summer debrief" to discuss management of Elk Avenue regarding signs, bikes, etc. and to discuss what is sold at special events.

ADJOURNMENT

Mayor Williams adjourned the meeting at 10:16 p.m.


Leah B. Williams, Mayor


Eileen Hughes, Town Clerk

